In the High Court of Judicature at Madras

Dated:03.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.567 OF 2006

Mariya Jacqueline Browne .. Petitioner

vs.

1. State
rep. by Inspector of Police
R.2 Kodambakkam Police Station
Chennai.

2. Gerald Christopher Browne .. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of Habeas corpus as stated therein.

For petitioner : Mr. B. Manimaran
For respondents : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor for R.1

Mr. T.R. Prabhakaran for R.2

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner, Mariya Jacqueline Browne has filed the above petition for direction to the respondents to produce the body of her children, viz., (i) Baby Angilica Browne and (ii) Master Rajeston Browne before this Court and hand over their custody to her.

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2. In view of the information that these two children were handed over to the second respondent, who is none else than their father, by filing a joint memo before the First Additional Family Court, Chennai, we directed the presence of the second respondent. Pursuant to the same, the second respondent by name Gerald Christopher Browne appeared before us. We enquired him. He also supported the above statement. He further informed us that both the children are studying in a School at Coonoor and it is he who bears all the educational expenses and according to him both the children are happy.

3. In addition to his statement, the mother of the petitioner by name Luszy also appeared before this Court. We also enquired her. She supported the stand taken by the second respondent and also informed us that both her grand children are being maintained by the second respondent and they are studying in a School at Coonoor.

4. In the light of the above details and of the fact that the petitioner has also divorced the second respondent and getting maintenance, we are of the view that no further adjudication is required in this petition. Further, she is free to move the appropriate forum, if she so desires to have the custody of her minor children.

With the above observation, this petition is dismissed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Inspector of Police,
   R.2 Kodambakkam Police Station, Chennai.

2. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.B. Manimaran, Advocate SR No.28653

GB(CO)
SR/6.7.2006

Order in
H.C.P.No.567 of 2006

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